

CHAPTER 217

AN ACT AMENDING CHAPTER 220 OF THE PUBLIC LAWS OF 1923, SO FAR AS THE SAME APPLIES TO THE CITY OF GREENSBORO.

The General Assembly of North Carolina do enact:

SECTION 1. That chapter two hundred and twenty of the Act amended. Public Laws of one thousand nine hundred and twenty-three, be amended by adding at the end of section one the following:

"An effort to acquire by purchase or grant any land or easement needed for any improvement authorized by this act shall not be a prerequisite to the condemnation of such land or easement as hereinafter provided."

Effort to acquire land not prerequisite to condemnation.

SEC. 2. By adding at the end of section seven the following: Section 7 amended.

"Such governing body shall have the power and authority to abandon and annul all proceedings taken under this chapter at any time prior to final confirmation of the assessment roll by such governing body, or in case of an appeal or appeals to the Superior Court or the Supreme Court, either from an award of damages or from the confirmation of assessments, then the governing body shall have the power and authority to abandon and annul all proceedings taken under this act at any time within thirty days after final judgment on such appeal: *Provided*, that the municipality may not abandon or annul such proceedings at any time after the payment by it into court of the sum appraised by the commissioners as being due any person or persons for lands or interests therein so condemned and taken for public use. In case of such abandonment or annulment, the court costs shall be taxed by the clerk against the municipality."

Right of governing body to abandon proceedings.
Right to abandon proceedings in case of appeal.

Proviso: Proceedings not abandoned after payment of appraisal.

Costs taxed against town in case of abandonment.

SEC. 3. By adding at the end of section nine the following:

"After final disposition of any appeal, either to the Superior Court or to the Supreme Court, involving the amount of damages or of benefits assessed, the clerk of the Superior Court shall immediately deliver to the governing body of such municipality a certified copy of such judgment; whereupon the governing body may, without notice, reaffirm the assessment roll as modified by the judgment of the court, as may set aside the award of damages or benefits, except any award which has been fixed or determined by judgment of the Superior Court or the Supreme Court, and may provide for a new appraisal of damages or benefits or both in the proceeding pending before the clerk of the Superior Court. Until such final confirmation of the assessment roll by

Certified copy of judgment delivered to governing body.

Alternative action of governing body.

Right of governing body to have new appraisal.